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SEVERN TEACKLE WALLIS

FIRST PAPER

It is most unusual that a man who lived a long life as a lawyer without holding any public office, save for one term a position in the Lower House of a State Legislature, is so honored by the people of the city in which he dwelt that his bust is placed in the Court House and his statue is erected in the most conspicuous public square. Such a man's character must have been one to elicit respect and veneration from many, for no high official position was attained by him, nor was it possible for him to be a benefactor of the people by large gifts. The regard felt for S. Teackle Wallis was due to what the man was, not to what he possessed and the record of his acts may be summed up in a few words. He practiced law with eminent success for over half a century, it is true, but his legal fame was purely a local one. He wrote two books upon Spain, chronicling two visits to that country. He delivered a number of addresses on public occasions in Baltimore. He took a prominent part in the politics of the State, especially in the fateful years 1861 and 1875. Unmarried, he inspired in young men, who clustered around him in place of sons, a hatred of wickedness and a love of righteousness. With a keen and cultured wit, he was a skilled debater on all points and a dreaded antagonist. Other men have had a longer record of achievement. The power of this man's life is not to be measured by the positions held, but by the character of the man and by his great influence on others.

Severn Teackle Wallis was born, on September 8, 1816, in a house on Charles Street, opposite the residence of the Roman Catholic Archbishop of Baltimore, and died in his residence on St. Paul Street (in the block now named in his honor Wallis Place) early on the morning of April 11, 1894, in his seventy-eighth year. He was the son of Philip and Elizabeth Custis (Teackle) Wallis. Philip Wallis came from an old Kent County (Md.) family, studied law but never practiced it, settled at Easton, removed to Baltimore in 1816, and in 1837 removed again to a plan-

tation near Yazoo City in Mississippi. He was killed in 1844 in a steamboat explosion. Mrs. Wallis's family had also been prominent on the Eastern shore and she was descended from the Edmondsons, one of the early Quaker families of the province. There were four other sons and three daughters in the household. The parents were Episcopalians in religion and Wallis continued in their faith throughout his whole life, attending St. Paul's Church. Teackle Wallis, as he was always called, was educated at private schools in Baltimore and then at St. Mary's College on Paca Street, an institution carried on by the Sulpician Fathers and given up by them, when the Jesuits opened Loyola College in 1852. From St. Mary's, Wallis graduated in 1832 with the degree of Bachelor of Arts, and two years later, at the age of eighteen, he received the degree of Master of Arts from his *Alma Mater*, which also honored him, at the age of twenty-five, with the degree of Doctor of Laws. He seems to have received no other honorary degrees. Entering upon the study of the law in 1832, he had William Wirt as his preceptor, until the latter's death in 1834. He then entered the office of John Glenn, later United States District Judge. In the month in which he completed his twenty-first year, he was admitted to the Baltimore bar, and soon was fully occupied with practice in State and Federal Courts and established an excellent reputation for conscientiousness, energy and ability, and for the moderation of his fees.

I met him once only, three or four years before his death, and the clear-cut, fine features of the old man made a deep impression upon me. He was a very eagle of a man, with aquiline nose and clear, piercing eye that would dare to look full at the sun.

He was first of all a lawyer and felt to the fullest the grandeur of his profession, which he was far from making a "sordid trade." He once said that he felt that he had made a mistake in adopting the law as a profession and should have devoted himself to literature, but his devotion to law was as great as if he had dreamed of serving no other mistress. In an address to the graduating class of the University of Maryland Law School in 1872 he praised the law and said that "its influences

are as wide as society. Its honors and rewards, when fairly sought and earned, may fill the measure of a great ambition. You can not be too wise, or too virtuous for it. You can make all knowledge tributary to it, and yet not transcend its compass. With the common midnight oil of its lamp you may burn the most precious perfumes and yet not waste them."

Yet he knew fully the limitations of his profession and how far the actual was before the ideal. "Jurisprudence is a science certainly. But, gentlemen, I pray you consider the distance between jurisprudence . . . and the common law of England, as patched from the civil law and supplemented by the Maryland Code." He had no unreasoning veneration of the past. Referring to the fact that personal property was despised by the Common Law, he said, "Such an opinion was doubtless reasonable enough in the days of King John, when a wealthy Hebrew on a gridiron was their only banking institution." "Statutes derogatory of the Common Law must be strictly construed, so as to alter the law as little as possible; in other words, that reformatory legislation must be prevented as far as possible from working the reform intended." "Great rivers bring down many things which are not treasures. Men forget the waters turbid with ooze and slime—the worthless spoil of devastated fields and homesteads ruined, the floating rotteness and waste of ancient forests and primeval plains—the rafts that cumber the surface and the sands and stranded trunks that lie in wait beneath for shipwrecks." He then advised the young lawyers: "It becomes you to recognize the defects of the system in whose service you are about to be enlisted, so that you may do your part towards leaving it better than you find it." The advocate's function is "one of persuasion rather than of demonstration." He deals "with arguments concerning truth rather than with truths. I fancy that he discusses truth best . . . who has sought after it most earnestly and understands it best himself."

The advocate often discusses new and speculative questions, and should not hesitate to advance theories he suspects to be fallacious, nor to address arguments to the judgment of others which do not convince his own. "There might be some reason

why counsel should be silent when they think themselves in the wrong, if they were always in the right when they believed themselves to be so." The lawyer's business is to convince other people and not himself.

Lawyers are not knights errant. Noble men reflect honor upon, not borrow from, the profession. The world is not indebted to the Bar for free institutions and their preservation. "What the barons of England crushed with their gauntleted hands were but the long contrived devices of lawyers who pandered to oppression." "The annals of your own times and your own land are full of the sad story of professional subserviency and prostitution."

He is not despairing, however, nor does he blame lawyers for all the abuses in the profession. "As long as we are willing to touch pitch, the community, though it sneer at us, will keep our hands defiled to its profit, at least as much as ours."

"Learning and intellectual versatility and power are the thews and sinews of your calling; integrity of purpose and of conduct is its living. Its every relation properly considered involves confidence and implies frankness, fidelity and honor." A lawyer must "become grounded in the principles, which are the true learning of the law. Simplification, the happy result of all sound analysis, should be the prime object of your labors." He must show himself possessed of self-possession, self-control, clearness of mind and speech, courtesy, sympathy to clients, forbearance to lawyers, deference and respect to the courts. He must liberalize his thought—"You shall soon cease to know Hercules by his foot, if it be kept cramped and bandaged like a Chinese woman's." He must seek just fees, but must not abandon dignity and freedom to mere money-making; must keep his faculties bright and use common sense. "Although the scheme of our calling has been framed with great wisdom for the attainment of truth and justice, it is, nevertheless, an artificial scheme."

In a valedictory address to the graduating medical class of the University of Maryland in 1869, he compared the legal profession with that of medicine, and thus touched upon the characteristics of the former. "Law undoubtedly has more of the stimulus which

comes from personal collision and triumph. Its contests are dramatic. Its excitements stir the blood. Its successes sometimes have the glow and flash of victory in downright strife. It has all that is animative and ennobling in the grapple of mind with mind, the rivalry of skill, experience, and courage wrestling with courage, experience and skill. But the triumph dies almost with the struggle, and the reputation of the lawyer who has led his Bar for half a lifetime is as transitory nearly as the echoes of his voice. He contributes little or nothing to the stock of human knowledge. He has given himself to the study and application of a science — if indeed it be a science — which as often deals with artificial principles and dogmas as with great abiding truths. In grasping at the philosophy of jurisprudence, he is fettered even in this day and generation by precedents of scholastic absurdity, which date back before the wars of the Roses, and by statutes the very records of which were lost before the Reformation. The scientific aim and effort of his professional life is simply to show that thus it is written. The legacy which he is able to leave behind him to society, is therefore, rarely better, in his best estate, than a tradition of high faculties fearlessly and honestly dedicated to justice and duty. Even the triumphs of oratory — once the perpetual grace and honor of the forum — can now rarely come to him. The pressure of business and the fashion of the time have limited discussion in the courts and stripped its forms almost to nakedness.”

I have quoted Wallis on this point at such length, because his eminent success as a lawyer makes valuable his theory of the practice of the law. Of his practice of his theories, let those speak who knew him at the bar.

On April 12 and May 14, 1894, after Wallis's death, the Maryland Historical Society, of which he was president, held services commemorative of him. At the latter meeting, eulogistic resolves were offered by Reverdy Johnson, Jr., and in seconding them, Judge C. E. Phelps spoke of the “conscientious labor” and the “luminous and logical method” in which Wallis “unfolded his stores of learning,” of the consummate skill with which he extorted truth from the lips of an unwilling witness or marshalled facts in the order of demonstration” of

that "mastery of the weapons of invective" with which he riddled and crushed falsehood and fraud, and of "the graceful and commanding eloquence" with which "he captivated courts and juries." In the remarks made when Wallis's death was announced to the United States District Court, Judge T. J. Morris spoke of his profound learning in admiralty law and said: "In every case, whether great or small; to every client, whether distinguished or humble, he gave the aid of his great abilities with a zeal that was always earnest and often wonderful and astonishing. Notwithstanding his quickness of mind, his stores of learning, his long experience in the trial of cases of every kind and his great gifts of eloquence and persuasion, he gave to every case a careful preparation, as if he had none of these great resources to depend upon."

Colonel Charles Marshall, after bearing testimony to Wallis's kindness in giving other lawyers counsel and assistance in difficulties, added that "he possessed a clear and powerful mind, thoroughly trained in the learning of his profession, a keen insight into character and a profound knowledge of human nature which fitted him to an eminent degree for the trial of causes."

Wallis was early interested in governmental matters, and in his second volume on Spain made a number of acute observations on matters of political science. Thus concerning the control of the government of railways, a subject of present interest, he wrote in 1853: "It is not to be denied that the exercise of a little more control, in our own country, by government, over the immense corporations on which railway privileges are conferred, would be exceedingly salutary — conducive at once to the interest and safety of the citizen and not unjust or disadvantageous to the corporators. But the mania which possesses the governments of the Continent to mingle themselves with every public enterprise and be part and parcel of every speculation in which two or three are gathered together, is one which a constitutional system must counteract, if it would avail anything." His sharp vision, showed him how civilization advanced through dark and uncertain ways and he knew the value of the observance of law and order that the State might progress. "The organization of standing armies has always been regarded as a step for-

ward in the civilization of Europe. Not that there is anything particularly humanizing in horse, foot, and dragoons, of themselves or as an institution; but that, as men, since the days of Cain, have had a proneness to slay their brethren, it was a wise and happy thought to intrust the indulgence of that human weakness to a representative class, educated, equipped, and paid for the purpose, and to leave the rest of society, leisure and opportunity for more profitable labor and gentler entertainment."

From the first, Wallis realized the difficulty of reforming the Civil Service: "It is not easy to persuade the public, anywhere, that a system can be economical, which involves the increase of salaries. Every one can perceive the difference between a smaller and a larger sum of money; it is not every one who will appreciate the infinitely larger difference between the services of an efficient and honest officer and those of one who is willing to work at any price, for the sake of bread and of profiting by contingencies. There are always so many persons ready to serve the State cheaply, who have never been under an inquisition as idiots or sent to the penitentiary for crime and who, therefore, in intendment of law are sensible and honest, that it is quite useless to assert that good men will not accept office at low rates of compensation." "To live by their salaries is out of the question — they must of course live from their offices."

He was always ranging himself on the side of reform and wrote: "A genius for intrigue is no doubt an excellent item of capital for a politician; charlatanism, too, has frequently its miraculous uses; and a fortunate hit or a happy accident will often achieve, in a moment, what a lifetime of merit and toil will end in vain search of. In the main, nevertheless — though the notion may seem a strange one — the surest method of attaining station is to be, in some sort, fit for it. Half the pains men sometimes take to pass themselves off for what they are not, would suffice, in many instances, to make them what they ought not to be. It must, upon the whole, be a more costly and laborious process to win by cheating than to lose with unsoiled hands."

In early life Wallis was a Whig, and was an unsuccessful candidate of that party for the legislature in 1847 and for State's

Attorney in 1851, in the latter year being defeated by C. J. M. Gwinn. When that party broke up, he became a Democrat, about 1853, and as such was tendered by President Buchanan, in 1857, the position of United States District Attorney, which he declined. Baltimore had at the time an unenviable reputation for lawlessness. Its nickname was "mobtown" and the conflicts between the lower classes of Know Nothings and Democrats justified the name. The Know Nothings were in power in 1858, and had gained that power in large part through force and intimidation at elections. In 1858, Wallis, for the first time, took a prominent part in politics, writing a Reform Address to the citizens of Baltimore, and in the following years became a brilliant contributor to the *Exchange* newspaper. The agitation thus begun led to the legislature's unseating the Know Nothing delegates returned as elected from Baltimore in 1859, and to the passage of a new election law and a police law which took the control of the police from the municipal officers and placed it in the hands of a board of State Commissioners. Mr. Wallis spent much time during the session at Annapolis, and drafted both of these bills, though he was not responsible for a disgraceful sentence in the latter one, added in the legislature, that "no black Republican nor believer in the Helper Book" should be a policeman. When the city fought the constitutionality of the police law, Wallis successfully defended, it without remuneration, in the Court of Appeals, which enunciated the doctrine that the charter and property of a municipal corporation are absolutely within the control of the State. In 1860, Wallis voted for Breckenridge and in 1861 he took a prominent part in the agitation in connection with the secession of the Southern States in opposition to the policy of the National government, though he did not advocate secession for Maryland.

When South Carolina seceded and was followed in her act by other Southern States, a momentous decision had to be made by the citizens of Maryland. Men's opinions changed quickly in a few weeks, according to the logic of events, and a Southerner, who pleaded against secession became Vice-President of the Confederacy, while a Northerner, who said at first, "let the erring sister go," became an ardent advocate of coercion. For the

men of Border States the question was a doubly difficult one, as whichever way they decided they were almost sure to find friends and relatives arrayed against them. In Maryland, Thomas Holliday Hicks was Governor, a Know Nothing, and a well-meaning Union man but without much firmness. A large party in the State, including most of the sympathizers with the South urged him to call the Legislature together. Hicks refused. The refusal caused Wallis to attack Hicks bitterly in a speech on February 1, 1861, at the Maryland Institute Meeting "in favor of restoring the Constitutional Union of the States." He said, "I was taught from my childhood to love and cherish the Union, and there is not a reflection or conviction of my manhood that has not warmed and strengthened my devotion to it and heightened my zeal for its perpetuation." But he attacked Hicks for naming such Union men as Johnson and Bradford as Commissioners to the Peace Congress and for not summoning the Legislature, and denounced Hick's vacillation. The proper mode of giving utterance to the sentiments of the people was through a convention which the Legislature shall call. If the Governor persists in refusing to give the people that legitimate and constitutional opportunity of being heard, the responsibility is on his head and the people must do the next best thing they can, by calling a convention themselves.

Six states have gone out—"God knows that their departure from this Union has given me only anguish. . . . I feel as if every true-hearted man should bow to such a dispensation—in evitable as it might be—in the spirit with which he would follow his mother to the grave." Hicks says, "Cling to the Union." Maryland entered a great Republic in which she was a "Central State, the tendrils of her prosperity fastening, upon every side, to the confederated communities around her. You break that confederacy in the midst, leaving her a border province with a foreign nation and perhaps an enemy beside her, and you tell her to cling to the Union still." The South is out. Border States will soon follow. To tell Maryland to "cling to the Union, then, is to bid her to cling to the North, and clinging to the North means clinging to the Republican party. And this when she knows that if the line be drawn on the Slave border,

the right is on the one side and the wrong is on the other, and the Republican party is the champion of the wrong."

The idea of coercing a State or its people, when "that State in its corporate capacity has declared itself out of the Union, has no color or support whatever from the Federal Constitution." "Speaking as a lawyer, I cannot realize what gentlemen mean when they talk with sober seriousness about hanging and shooting men back into brotherhood and union with us. The Union is a great blessing and a glorious privilege, but there is no law of God or man which will uphold the doctrine of cementing it with blood." If we are to go to the North, let the majority so rule; if we are to be spared that journey, let us know it.

Events pressed rapidly on the heels of one another. Hicks still refused to call together the legislature. Lincoln was inaugurated on March 4, Fort Sumter fell on April 15, Lincoln's call for troops followed immediately, the Sixth Massachusetts passed through Baltimore on April 19. The bridges connecting Baltimore and the North were burned forthwith. Wallis had addressed a mass-meeting in Monument Square on April 9, and assured his hearers that his heart was with the South and that he was willing to join in the defence of Baltimore against the Federal troops. He hoped the blood of the citizens shed by an invading foe would obliterate all party differences and seal the covenant of brotherhood among the people. Then, at last, Hicks called the legislature together at Frederick, as Baltimore was disturbed and Annapolis was occupied by Federal troops. The western part of the State was strongly Union in sentiment, and undoubtedly the selection of the place of meeting aided the Union party. Baltimore was in control of Southern sympathizers and, at a special election held on April 24 to fill the vacancy in the House of Delegates caused by the unseating of the city delegation, only one ticket received votes. On this ticket was Wallis's name, and he was sworn in at the opening of the session.

On the 26th he was at once appointed Chairman of the Committee on Federal Relations, whose function was extremely important. On May 2, he prepared a report of that committee in response to a communication from the Mayor of Baltimore asking for the restoration of railroad communication. The committee

recommended that R. M. McLane, Otho Scott, and Wm. J. Ross be appointed commissioners to confer with the Federal Government in Washington and that nothing be done in regard to Baltimore's request until a *modus vivendi* be established with that government. "The channel of intercourse with the Northern States cannot be effectively reestablished without a guaranty, from some quarter, of the safety and peace of Maryland. "Your committee are not able to perceive how this result can be attained without some communication with the Federal authorities at Washington." The Washington Branch of the B. & O. Railroad had been seized and forts built. Maryland seemed to Wallis to be treated as a conquered province.

On May 9, Wallis presented a report filled with the bitterest and most heated invective against the course of Lincoln's administration. Lincoln's proclamation was regarded as a declaration of war against the Southern Confederacy—"as a deliberate summons to the people of the two sections, into which his party and its principles had so hopelessly divided the land, to shed each other's blood in wantonness and hate. A scheme so full of wickedness—so utterly subversive of every principle upon which our government was founded, and so sure to involve the destruction of that government, let the fortune of war be what it might—could not but excite almost to frenzy every feeling of those who sympathized with the people against whom it was fulminated. . . . The Confederate Government and that of the United States were, in fine, belligerents engaged in actual, though undeclared, war with all the rights and responsibilities which it gives and details." The coercive policy of the administration was a "breach of the rights of Marylanders and not less than an unlawful aggression upon the rights of the Southern people. . . . The people of Maryland were summoned to take part as soldiers in the strife and, as citizens they were asked to contribute their means to its prosecution and were asked to bear their share of its unconstitutional burdens."

Whether Maryland troops were needed for the District of Columbia or the South, "the Committee would be pained to believe it possible that a single citizen of the State could be forced or persuaded to take part directly or indirectly, in the slaughter

and subjugation of our Southern brethren and the overthrow of Constitutional Government by usurpation and brute force." If the Government desires to put an end to all doubts as to the safety of the Capital, it can do so, at a word, by putting an end to its own purposes of coercing the South. Lincoln summoned men to a "war of propagandism and of sectional aggression and domination. It was a war in which the dominant section had seized upon the name and flag, and resources and powers of the General Government and was abusing them for its own ends and for the permanent establishment of its dominion over the other section. It was a war to the unholy purposes of which the sacred associations and memories of the Union were prostituted and in which its honored name was taken in vain."

Hicks was blamed for temporizing. The President's special war powers were denied. Wallis also denied that the President may add to the army and navy. Maryland was under military rule. Hicks counsels peace and neutrality. This is hopeless. The only possible attitude is "peaceful submission." When the legislature met, it was thought proper to call a sovereign convention, now there was an almost unanimous feeling against it through Lincoln's acts. The convention should be postponed "to a period when the Federal ban shall be no longer upon us." No election law now could be free: therefore no recommendation was made for arming and organizing military defenses. Wallis advised adjourning to a fixed date. Resolves are added stating that Maryland is loyal to the United States; that the war waged by the United States on the Confederate States is unconstitutional and Maryland will have nothing to do with it, but will seek peace and recognition of the Confederacy; expressing sympathy with the South; protesting against Federal interference in Maryland yet urging it to submit. Wallis was not at that time an advocate of the passage by the General Assembly of an ordinance of secession and when a petition was submitted from certain Prince George's County citizens asking that this be done, he had his committee report that the Assembly had no power to pass such an ordinance.

On May 13, he reported unfavorably on a proposition submitted by the Senate to have commissioners sent to Washing-

ton, Montgomery, Richmond and Harrisburg. He felt there was no use in sending them to Virginia, nor to Pennsylvania, which State shows "animosity" with great "intensity of rancor" against the whole South and especially against Maryland. There was also no use to send a commissioner to Montgomery, as the Confederate States cannot stop arming, unless the United States cease. The United States have flouted the previous commissioners, so that it was useless to send to Washington. On May 14, the Assembly adjourned until June 4, and on the day of adjournment, Ross Winans was arrested by the Federal authorities. Shortly afterwards, John Merryman was taken to Fort McHenry, and General Cadwallader under orders from Washington, refused to recognize Taney's writ of habeas corpus. After the Assembly reassembled, Wallis drafted a report, which was submitted on June 1, upon the Governor's message. In this report he attacked the arrests and Hicks's conduct and recommended a demand upon the Governor for documents.

On June 27, Kane, the marshal of the Baltimore police force, was arrested by the military authorities and, four days later, the police board met like treatment. A strong memorial against this arrest was prepared in July by Wallis and sent to Congress, but met with no favor there. In August, he wrote a report of a joint committee of the two houses on a memorial from the police commissioners. This report was adopted, and of it he wrote on May 24, 1863: "If my participation in the events of those times should be the subject hereafter of remembrance or consideration, I am willing that my reputation for personal and political rectitude and for fidelity to the interests of my State and the Union shall depend upon the judgment which may be passed on this report." In August the Assembly adjourned to reconvene on September 17. Rumors spread that when it came together it would pass an ordinance of secession. The report was widely believed and led the Federal authorities to act at once. On the night of September 12, soldiers seized Wallis at his house, as well as the other Baltimore members of the Legislature, George William Brown, the Mayor, and Henry May, who represented one of the city districts in the Federal House of Representatives, having been elected over Henry Winter Davis in the

spring. They were carried at once to Fort McHenry and thence on the next day to Fort Monroe. The arrest seems to have been ill-timed and unnecessary. Either it should have come in the spring, or after some later overt act of partisanship with the South.

Wallis, at any rate was not planning any overt act of secession at the time of his capture. On August 12, he had written to his friend William H. Drayton, of Philadelphia: "I am, as I have said, the advocate of no policy of violence or revolution on the part of Maryland. She must submit to a fate she cannot mold and must practice the most difficult of virtues — endurance and forbearance. Such, I am happy to say, is the policy of all our leading men, and I am gratified at having much to do with shaping it." This testimony is confirmed by the evidence of the great lawyer, William Schley, a Union man, who wrote Seward in Wallis's behalf on November 4. While Schley knew that many Marylanders sympathized strongly with the South, he stated that "I have always believed that the great body of our people are loyal in their feelings and that there never was a moment when Maryland could have been forced into secession, even if the General Government had not interfered." The testimony of such a man is valuable as to his report of conversations he had held with Wallis concerning the action of Maryland on the subject of secession. On April 25, Wallis told Schley he thought the Legislature had no right to commit Maryland on this question. On August 31, Schley returned from Allegany County, where he spent a month's vacation, and found alarm because of Wallis's supposed deep laid scheme to secede. Schley did not concur in these apprehensions. On September 1, Sunday, Schley met Wallis on the street and told him of the rumors and of Schley's reply to them. Schley added with emphasis that he would resist any such plan vigorously and would call on Wallis to-morrow. Wallis replied blandly that Schley "had done him simple justice, that he had no knowledge nor information that any such movement was in contemplation and that he had not previously heard of the suspicion, and that if any such movement was attempted, he would certainly oppose it to the utmost of his power." On Monday, Schley called on Wallis and had a

full, frank and friendly conversation, in which Wallis concurred with Schley in the propriety of an early adjournment, so that Schley was convinced that, if the Legislature had met, he would have urged this. Yet Wallis, doubtless because of his vigorous reports as Chairman of Federal Relations, was regarded as the forefront of the movement to take Maryland out of the Union. On August 6, the *New York Tribune* contained an article stating that Jefferson Davis received a daily letter from Wallis and that Davis advised Wallis not yet to attempt a rising. Wallis wrote the paper at once, denying that he knew or ever had communicated with Davis, but the report showed clearly what people thought of him.

In his defense, his law partner, John H. Thomas, said in a letter to Seward, on November 4: "My own knowledge of Mr. Wallis's most secret thoughts justifies me in saying that he had not only done nothing but had no purpose which, if known to you, would have induced you to order his arrest." On the records of the Department of State the following entry is found with reference to the cause of Wallis's arrest: "Wallis was a member of the Maryland Legislature and was publicly esteemed as the leader of the band of conspirators, who were known to be plotting to pass an act of secession. He was arrested by order of the War Department on or about the 12th day of September, 1861, and confined successively in Forts McHenry, Monroe, Lafayette and Warren. Wallis openly advocated the recognition of the rebel government, and his correspondence and manuscript were full of arguments in their justification. His arrest was a measure of precaution to preserve the public peace and to prevent the consummation of the treasonable purposes entertained by the conspirators in the Legislature.

In October and November, W. L. Marshall, Reverdy Johnson, Jr., and John H. Thomas petitioned Seward for Wallis's release, or for an investigation of the charges against him, and later, Dr. Christopher Johnston and Wm. H. Drayton asked for his release on the ground of his health, the latter speaking of him as a "man of feeblest constitution, having scarcely known a well moment for the past twenty years." A fellow prisoner, Lawrence Sangster, wrote of Wallis's reading poetry to the others during the

early days of the imprisonment, and Charles Key Howard, another fellow prisoner, told of his writing protests against the inconveniences which the prisoners suffered. Wallis refused to give a parole or take an oath of allegiance but demanded a trial and conviction of crime or an unconditional release.

From Fort Monroe, about October 1, the captives were taken to Fort Lafayette in New York Harbor and thence, in November, they were removed to Fort Warren in Boston Harbor where they were detained a year without trial under the humane wardenship of Colonel Dimick. On February 15, 1862, the prisoners were transferred from the custody of the State Department to that of War. After the expiration of a year, and the persistent refusal of the prisoners to take an oath of allegiance or to give any parole, they were all released unconditionally. Wallis's spirit chafed under a treatment which seemed to him characterized by intolerable wrong and injustice. This he showed clearly in a letter he addressed to John Sherman on December 12, 1862, in which he refuted in admirable temper a speech of Sherman in the United States Senate. Sherman replied in a public letter, to which Wallis replied on January 3, 1863, in a long letter of great bitterness and excessive vituperation, descending to unnecessary personalities.

In an address on Lee, delivered when the war had been over for ten years and time had come for a just and well considered review of the position of the States which had seceded, and of the great leader of whom he spoke, he said the use of the terms "rebels and traitors" stood in the way "of that perfect reconciliation and mutual trust which will never come, until justice shall be frankly done by the victors to the vanquished. The men who fought in the same cause with Lee, and all whose hearts were with them, are bound in honor to abide by the arbitrament they sought. They are bound to accept defeat and its legitimate consequences in as good faith as they would have accepted victory. They are bound to obey the laws and support the constitution; to fulfill, to the letter, every duty of citizenship, and answer freely every call of pathetic obligation. But they are not bound to defile the ashes of their dead, or to submit, in silence, to injustice or dishonor. They may

have been wrong. That is fair matter of opinion and posterity will judge them. They may have been unwise. There is no absolute criterion on earth of what is wise; and none of us have reason to think, like the friends of holy Job, that we are the people and that wisdom shall die with us. But the people of the South are entitled to stand before mankind as a people, who believing they were right in acting with what wisdom they knew, set hope and existence on the die." In the same address, Wallis further said: "Believing that a separate government was his (Southern man's) plain right, when he might choose to have it, he may not quarrel with the opposite convictions of his countrymen who thought, and with sincerity as deep as his, that the Union was a priceless right of theirs and were, therefore, ready to immolate him for it as well as sacrifice themselves. But he has the right to ask that the honesty of his convictions, the sincerity of his patriotism, the good faith of his sacrifices shall not be doubted or denied any more than theirs." The differences "were the expression of political principles, concerning which parties and sections had been long divided, and which separated the best and wisest of the land long before their antagonism was startled into strife. One side may have been right and the other wrong, or there may have been right and wrong with both—but neither could question, with truth, the sincerity of the other; and only fanaticism and folly on either side can deny it to the other now."

BERNARD C. STEINER.

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